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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

MAXIMILIAN KLEIN, et al.,

Plaintiffs,

v.

META PLATFORMS, INC.,

Defendant.

Case No. 3:20-cv-08570-JD

**STIPULATION AND [PROPOSED]
ORDER RE SCHEDULING OF
DEPOSITION OF NONPARTY WILMOT
REED HASTINGS**

Hon. James Donato

1 This Stipulation is entered into by and between Advertiser Plaintiffs, Consumer Plaintiffs,
2 Defendant Meta Platforms, Inc., and nonparty Wilmot Reed Hastings (collectively, “the Parties”)
3 through their respective undersigned counsel, as follows:

4 WHEREAS, on February 21, 2023, pursuant to Fed. R. Civ. P. 30(b)(1) and 45, Advertiser
5 Plaintiffs served on Mr. Hastings a deposition subpoena with a return date of April 24, 2023;

6 WHEREAS, on April 12, 2023, Mr. Hastings, the former co-CEO and current chairman of
7 the board of Netflix, Inc., filed a motion to quash the deposition subpoena on the ground that his
8 deposition is barred by the apex doctrine, *see* Dkt. No. 505;

9 WHEREAS, on April 27, 2023, the Court denied the motion to quash and ordered that
10 “Plaintiffs may depose Hastings for no more than two hours,” and further ordered Mr. Hastings to
11 produce documents in his personal possession in response to a document subpoena served on him
12 by Advertiser Plaintiffs, Dkt. No. 545;

13 WHEREAS, on June 14, 2023, Mr. Hastings produced documents in response to Advertiser
14 Plaintiffs’ document subpoena;

15 WHEREAS, the fact discovery cut-off in this action is set for June 23, 2023, Dkt. No. 379
16 at 1;

17 WHEREAS, Mr. Hastings’s counsel has informed the other Parties that, given Mr.
18 Hastings’s extensive professional and other commitments, his schedule is such that he will not be
19 available for deposition earlier than late July 2023;

20 WHEREAS, the Parties agree it would be reasonable under the circumstances to extend
21 the deadline for Mr. Hastings’s deposition to July 28, 2023;

22 WHEREAS, extending the deadline for Mr. Hastings’s deposition to July 28, 2023, would
23 not affect any other case deadline; and

24 WHEREAS, the Parties agree that they will not rely on this agreement to argue that any
25 other deposition may take place after the close of fact discovery on June 23, 2023, Dkt. No. 379
26 at 1;

1 THEREFORE, the Parties, by and through their respective counsel, hereby stipulate and
2 agree that, subject to the Court's approval, the deadline for the deposition of Wilmot Reed Hastings
3 shall be extended to July 28, 2023.

4 **IT IS SO STIPULATED.**

6 Dated: June 21, 2023

Respectfully submitted,

7 By: /s/ Yavar Bathaee

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FILER ATTESTATION

I am the ECF user who is filing this document. Pursuant to Civil L.R. 5-1(h)(3), I hereby attest that each of the other signatories have concurred in the filing of the document.

Dated: June 21, 2023

By: /s/ Yavar Bathaee
Yavar Bathaee

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____

JAMES DONATO
United States District Judge